



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
36729-198472

In re Application of: David W. Nelson

Application No. 10/719,063

Filed: November 24, 2003

For: Capturing Device for Insects

The owner\*, David W. Nelson of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,651,379. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

7/25/05

Signature

Date

Andrew C. Aitken

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

07/26/2005 JADD01  
02 FC:2814

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65.00 DA

**COMPLETE**  
**FEE TRANSMITTAL**  
**for FY 2005**  
Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) 125

**Complete if Known**

Application Number 10/719,063

Filing Date 11/24/03

First Named Inventor David W. Nelson

Examiner Name Rowan

Group / Art Unit 3643

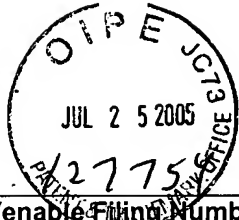
Attorney Docket No. 36729-198472

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																																																																																																					
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 22-0261</p> <p>Deposit Account Name Venable LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Lrg Ent Fee (\$)</th> <th>Fee Code</th> <th>Sm Ent Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1111</td><td>500</td><td>2111</td><td>250</td><td>Utility Search Fee</td><td></td></tr> <tr><td>1112</td><td>100</td><td>2112</td><td>50</td><td>Design Search Fee</td><td></td></tr> <tr><td>1113</td><td>300</td><td>2113</td><td>150</td><td>Plant Search Fee</td><td></td></tr> <tr><td>1114</td><td>500</td><td>2114</td><td>250</td><td>Reissue Search Fee</td><td></td></tr> <tr><td>1311</td><td>200</td><td>2311</td><td>100</td><td>Utility Examination Fee</td><td></td></tr> <tr><td>1312</td><td>130</td><td>2312</td><td>65</td><td>Design Examination Fee</td><td></td></tr> <tr><td>1313</td><td>160</td><td>2313</td><td>80</td><td>Plant Examination Fee</td><td></td></tr> <tr><td>1314</td><td>600</td><td>2314</td><td>300</td><td>Reissue Examination Fee</td><td></td></tr> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2215</td><td>60</td><td>Extension for reply within first month</td><td>\$60</td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>1,100</td><td>2503</td><td>550</td><td>Plant issue fee</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td colspan="5">Other fee (specify) Terminal Disclaimer</td><td>\$65</td></tr> <tr> <td colspan="4"> <p>2. 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**SUBMITTED BY** Complete (if applicable)

Name (Print/Type) Andrew C. Aitken Reg No. Attorney/Agent 36,729 Telephone 202-344-4000

Signature *Andrew C. Aitken* Date July 25, 2005



## PATENT PROSECUTION RECEIPT OF FILING

Venable Filing Number

Atty. Docket No: 36729-198472

Title of Application: Capturing Device for Insects

Application No: 10/719,063

Patent No. :

Attorney/LAA: ACA/mo

PTO Due Date: 7/23/05 (Saturday)

Current Date: 7/25/05

Filing Date: 11/24/03

Issue Date:

The following items were received from Venable LLP, Washington, D.C., by the U.S. Patent & Trademark Office on the date stamped hereon:

### U.S. PTO FEES ENCLOSED

- ☐ Transmittal Letter  
☒ Fee Transmittal Letter  
☐ New U.S. Provisional Application (      pages of specification/claims)  
☐ Rule 53(d) Continued Prosecution Application  
☐ Rule 53(b) Continuation or Divisional Application (**attach copy of specification, claims, drawings and declaration**)  
☐ U.S. National Stage Application of PCT Application  
☐ Request for Continued Examination (RCE) under 37 CFR 1.114  
☒ Response w/Extension of time  
☐ Substitute Specification  
☐ Priority Document-Cert. Copy of Appln.#:      ; Country  
Date Filed:  
☐ Formal Drawings (      sheets,      Figs.)  
☐ Inventor Declaration  
☐ Assignment w/Cover Sheet  
☐ Response to Notice to File Missing Parts  
☐ Response to Notice to File Missing Requirements  
☐ Response to Restriction Requirement  
☐ Information Disclosure Statement with      cited references  
☐ Response  
☐ ☐ Amendment/☐ Preliminary Amendment  
☐ Petition/Request for Extension of Time (      mo. ext.)  
☐ Power of Attorney  
☐ Petition to Revive  
☐ Sequence Listing – CDR Enclosed? ☐ Yes ☐ No  
☐ Request for Non-Publication  
☐ Request to Rescind Non-Publication Request  
☒ Terminal Disclaimer  
☐ Notice of Appeal  
☐ Appeal Brief (**in triplicate**)  
☐ ☐ Reply Brief (**in triplicate**)/ ☐ Request for Oral Hearing  
☐ Confirmation of Hearing Petition  
☐ Issue Fee Transmittal  
☐ Certificate of Correction  
☐ Maintenance Fee Transmittal  
☐ Status Inquiry  
☐ Other: (**Please describe below**)

\_\_\_\_ Filing Fee

\_\_\_\_ Surcharge Fee

\_\_\_\_ Additional Claim Fee

\_\_\_\_ Recordation/Indexing Fee

\_\_\_\_ IDS Fee

60. \_\_\_\_ Extension Fee

\_\_\_\_ Notice of Appeal Fee

\_\_\_\_ Brief on Appeal

\_\_\_\_ Oral Hearing Request Fee

\_\_\_\_ Petition Fee

\_\_\_\_ Issue Fee

\_\_\_\_ Publication Fee

\_\_\_\_ Maintenance Fee

65. \_\_\_\_ Other Fees (Describe)  
\_\_\_\_ Terminal Disclaimer

125.00 \_\_\_\_ Total Fees Paid

☐ Check Number

Attached

☒ Charge Deposit Account No.  
22-0261\*

\*If the Deposit Account was  
used, was a copy of this form  
sent to Accounting?

☐ Yes ☐ No